



STATE OF CONNECTICUT  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM, JUDGE  
Probate Court Administrator

THOMAS E. GAFFEY  
Chief Counsel

HELEN B. BENNET  
Attorney

DEBRA COHEN  
Attorney

186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110

TEL (860) 231-2442  
FAX (860) 231-1055

To: Senate Co-Chair Andrew McDonald  
House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Paul J. Knierim, Judge  
Probate Court Administrator

Re: Senate Joint Resolution 63 Resolution Proposing an Amendment to  
the Constitution of the State to Eliminate the Probate Courts

Date: March 9, 2009

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The Office of the Probate Court Administrator strongly opposes this resolution.

This legislative session is a critical one for the Connecticut probate system. While the state's finances are being squeezed due to the economic downturn, the probate system is also experiencing declining revenue and growing expenses. The Probate Administration Fund, which has been used to sustain the system's operating deficit since fiscal year 2005, will be fully depleted during fiscal year 2010.

The Probate Assembly and this office have jointly submitted legislation in an effort to address the pressing financial issues now confronting the system. The Strategic Plan for the Probate Courts, which is embodied in H.B. 6027, will make the probate system more efficient, more uniform, and stronger professionally. The Governor has likewise submitted a proposal to restructure the probate system, the details of which are contained in H.B. 6385. Both bills are before this Committee today.

While the two proposals differ in some respects, the bills share several common features. Both would centralize the finances of the system, implement important cost controls, restructure judicial compensation, and reduce the number of courts. Most importantly, both proposals stand for the proposition that the interests of Connecticut's citizens are best served by working to strengthen and improve our system of specialized probate courts, rather than the wholesale elimination of the system.

Over the years, the legislature has assigned probate courts with the responsibility for a broad range of matters involving children, the elderly, and individuals with mental illness and developmental disabilities. It has done so because the probate courts are uniquely well suited to such intensely personal family matters. The courts are readily accessible to the communities that they serve, a quality that is perhaps best evidenced by the fact that probate judges frequently conduct hearings at hospitals and nursing homes to make participation easier for the parties. Because they are specialists, probate judges are able to develop a high level of expertise in probate matters. They approach their cases with fairness and compassion. Court staff is highly service oriented. Most cases are resolved far more quickly in the probate system than in other courts.

It bears critical emphasis that the probate courts deliver important social services to the people of our state in a very cost effective manner. In the vast majority of cases, probate courts serve to empower families to help themselves. In children's matters, for example, probate courts enable family members to assist in raising a child when a parent cannot. Without that framework, many more children would be in the foster care system, at far greater cost the states. Similarly, the vast majority of conservatorships involve the appointment of a family member to assist a relative who cannot care for himself or herself.

The state also benefits greatly from the longstanding relationship between municipalities and the probate courts. Probate courts are housed, rent free, in the city and town halls of our state. Those same communities provide financial support for the courts in the form of office supplies and equipment, telephone service, document recording, and postage. Those benefits, easily worth over \$6 million annually, would doubtless be lost if the jurisdiction of the probate courts is transferred to the Superior Court.

Yet another cost effective aspect of the probate courts is the fact that the expense to the parties is typically much less in the probate courts than matters heard in the Superior Court, due in considerable part to the relative informality of the proceedings. Parties are frequently able to handle their matters without the assistance of legal counsel.

Simply stated, the probate system is worth saving. It is a vital and effective part of the safety net for Connecticut's most vulnerable citizens. The system can and should be made both more efficient and more proficient, and the Strategic Plan

demonstrates the commitment of our judges to achieving those goals. The needs and interests of our citizens demand that we strengthen, not eliminate, this valuable public resource.

